

Professional Standards Advisory Board Meeting

Minutes for September 3, 2009

10:00 AM

The meeting was called to order by Pat Mapes. All members of the board were present. Following the Pledge of Allegiance Mr. Mapes presented the minutes of the July 29, 2009 meeting and the notes of the August 20, 2009 work session for approval.

Mr. Van Horn commented that the bullet-point format of the minutes was not sufficient to reflect the discussion that took place. He requested that future minutes contain more detail.

Ms. Cate-Clements asked that the minutes be amended to include a roster of members in attendance at the meeting and that attendees be included in future minutes.

A motion was made and seconded to approve the minutes contingent on the inclusion of a list of attendees. The motion passed with Mr. Van Horn voting no.

Dr. Bennett started the meeting by thanking the board and the members of the audience for being present. He believes the state-wide discussion about education that is taking place around the proposed rules is positive and much needed. He stressed the importance of everyone understanding what the board is being asked to do at today's meeting: to vote to approve one draft of the proposed rules to be published so that the board can move forward to accept public testimony and comments, have discussion, and make improvements in an orderly fashion. It is important to "get it right," and everyone needs to be working from a single document in order to understand what is being proposed and to focus their comments.

Dr. Bennett continued to explain that based on the statute that governs the structure of the board, the State Superintendent has the responsibility to appoint a secretary of the board who will act as chair and will lead the board's meetings. Dr. Bennett appointed Jason Woebkenberg as secretary of the board.

Mr. Woebkenberg thanked Dr. Bennett and the board and welcomed the audience. He continued the meeting by asking Mr. Mapes to explain the summary of changes to the proposed rule made since the August 20 work session. Mr. Mapes referred to the summary document and briefly highlighted the changes. Mr. Woebkenberg opened the floor for questions.

Mr. Holt moved to approve the proposed draft for the purpose of publication and to move forward with the public hearing/comment process. Mr. McEwen seconded the motion. Mr. Woebkenberg asked for discussion.

Dr. Goodwin opened the discussion by pointing out that the draft is an imperfect document and that he still has two major disagreements with its content. He is willing to vote to move the draft on to the public comment stage but he wants assurance that changes in content can be made later on. Ms. Julian asked what the plan is for gathering and incorporating public comment, expert testimony and best practice into the proposed rule draft.

Mr. Tusing, legal analyst, advised the board that changes can be made to the proposed rules in response to written testimony and public comment. Mr. Mapes stated that the proposed rules will be published along with notice of public hearings and the public comment period. Following the public hearings and the closing of the public comment period, the testimony/comments will be compiled and organized by topic and presented to the board for

consideration. He anticipates multiple work sessions by the board and board subcommittees to make necessary changes before voting on a final version.

Discussion continued concerning the timeline for finalizing the rules and whether voting to move the proposed rules to public hearing locks the board into a specific timeline. Ms. Johnson asked if the board could “run out of time” in the promulgation process. Mr. Tusing responded that when the board approved a notice of intent to adopt rules at its June meeting, the clock began ticking on a one-year timeline for rulemaking. Becky Bowman, General Counsel, noted that the final steps of the rulemaking process involve review and approval by the Attorney General and the Governor which combined could take up to 75 days. That, and the timing of public hearings, compresses the timeline for the board’s actions from each end of the rulemaking process. Dr. Johnstone expressed displeasure that the one-year promulgation timeframe had not been explained to the board earlier.

Other members sought clarification on the process the board must follow to make changes to the proposed rules following hearings and public comment, including whether the board can make changes even if no public testimony is received on a point the board desires to change. Mr. Tusing advised that changes made by the board must be a logical outgrowth of written testimony and comments received, but that the board’s documented discussions and deliberations are also part of the “record” to justify changes in the proposed rules. Dr. Johnstone asked if a specific number of comments had to be received in order to justify a modification in the proposed rule, and Mr. Tusing said no. When asked how many public hearings could be scheduled, Mr. Tusing answered that the board could have multiple public hearings but it must publish legal notice of each hearing at least 21 days in advance of the hearing date.

Several board members expressed concerns that they do not feel ownership of the proposed rules and feel the board is in a reactionary mode. Mr. Van Horn asked where the idea that the licensing rules needed to be changed came from since there was a draft of proposed rule changes in place before the first meeting of the board in June 2009. He believes the board should be driving the rule change process, not “rubber stamping” it. Ms. Cate-Clements wanted Mr. Mapes to identify a set number of work sessions the board would have following the public hearings to make changes. Mr. Mapes stated that the exact number of work sessions needed would be determined by the board, but he anticipates at least 3.

Other board members were adamant that the proposed rules should be moved forward and published for public hearing/comment so that all the stakeholders are responding to the one version of the rules; the promulgation process builds in opportunities for the board to improve the proposed rules based on public and expert input and the board should let that process “work.” A vote to publish the proposed rules does not mean each board member agrees with everything in the current document and it does not mean the board loses its opportunity to ask questions and to continue to improve the document. Ms. Wilson asked that the online site for public comment on the proposed rule be organized by topic to be user friendly, and she also asked that comments and testimony be compiled and organized by topic for the board’s ease of consideration. Dr. Johnstone asked that local school districts let the board know how the proposed changes will impact their current teachers.

Ms. Salyers stated that she is licensed under Rules 46-47 and that she is personally excited and pleased by the proposed rule changes and welcomes them, even though they will impact her licensure.

The discussion was closed when Mr. Holt moved the question to call for a vote. Mr. Woebkenberg clarified that the motion and second were to adopt the proposed rule draft for the purpose of publishing it for the public hearing/comment phase of the promulgation process. He asked for the vote to be a show of hands. The motion passed 15-4 with members Johnson, Van Horn, Cate-Clements, and Riehl voting no.

The next item of business was the presentation of information about the new School Leaders Licensure Assessment (SLLA) and its proposed cut score by Inez Bosworth from Educational Testing Service (ETS). The prior SLLA test is no longer in use and the new SLLA test will be taken for the first time beginning this month. Ms. Bosworth discussed the development of the new SLLA and noted several changes: the new test format has a reduced writing burden—it includes 30% written response and 70% scenario-based multiple choice items, it is 2 hours shorter, and it is not as costly to take. A description of the process used to set the cut score was provided and a cut score of 163 was proposed. The 163 score is an average of the scores selected by two independent panels of administrators who took the test and recommended scores of 162 and 164.

Discussion ensued and questions were asked about how Indiana's cut score and pass rate compares to other states. Ms. Bosworth did not know the pass rates of other states on the SLLA but she indicated that Indiana's administrators historically did very well on the previous SLLA test. That statement led to questions about whether Indiana's cut score is too low. There is no data concerning pass rates on the new SLLA since it is being given for the first time this month. Several board members expressed a desire to revisit the cut score after some data could be collected on how Indiana's administrators were doing on it. Ms. Bosworth indicated that she would be happy to bring pass rate data back to the board in a year to reconsider the cut score.

Mr. Jones moved to adopt the new SLLA test and the 163 cut score with the understanding the board would revisit the cut score in a year. Mr. Holt seconded. The motion carried.

Mr. Woebkenberg opened the floor for the public comment portion of the meeting, reminding audience members that their comments were not testimony on the proposed rules and there would be ample opportunity for testimony and comment during the public hearing process. A 3-minute time limit would be enforced on comments.

Twenty-six individuals provided comments during the public comment period:

1. Teresa Meredith, ISTA:
2. Robert Rivers: Purdue University-Calumet
3. Mark Seele: IMLEA and State Principal Association:
4. Al Summers: Middle school association:
5. Pam Milligan: Franklin School Corp, Middle Level Educators
6. Neil McCutchen: Middle School principal, West Lafayette
7. Carl Sother: Taylor University
8. Jennifer Hight: Middle School Teacher that holds an elementary license
9. Kelly Cartwright: Middle School Teacher that holds an elementary license.
10. John Ambrosio:
11. Sally Sloan: Indiana Federation of Teachers (IFT)
12. Jill Shed: Indiana Association of Colleges of Teacher Education (IACTE):
13. Marilyn Watkins: IACTE
14. Linda Houser: ??
15. Pat Rogan: School of Education at IUPUI:
16. Becky Gardenour: local school board member
17. LeeAnn ??: long time coach and current non-traditional teacher ed student
18. John Ellis: IAPSS
19. Frank Bush: Indiana School Boards Association (ISBA)
20. Pat Pierce: NW Special Ed Cooperative
21. Kathleen Murphy: Associate Dean, School of Education of IPFW
22. Azure Smiley: higher education faculty member for special education

23. Danielle Koenigsbacher: Butler University teacher education student
24. Ena Shelley: Dean of Education, Butler U
25. Krystal Johnson: Council of Social Studies Teachers
26. Carol Craig: Indianapolis Chapter of the NAACP

Dr. Bennett closed the meeting with his reflection of why the board is undertaking this rule change process. He believes it's because "we have to do it better than we were doing it before." He says we owe it to our kids to have a sense of urgency because they don't have a minute to spare. The board has an obligation to bring change to Indiana education. It's not personal; it's structural change that is needed so that our kids have the skills to compete with the rest of the world.

Mr. Woebkenberg thanked Dr. Bennett and announced that the next meeting of the board will be on October 1, 2009. The meeting was adjourned.